

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

CLYDE EDWARD AUSTIN,

Defendant(s).

Case No. 2:22-CR-126 JCM (BNW)

ORDER

Presently before the court is defendant Clyde Austin's motion for appointment of counsel under 18 U.S.C. § 3006A(a)(1)(E) and LCR 44-1. (ECF No. 28). The defendant also asks the court for leave to file his financial affidavit under seal. (ECF No. 29).

The defendant asks this court to appoint Madeline S. Lal of the Federal Public Defender's office as his counsel to assist him in modifying the conditions of his supervised release. (ECF No. 28, at 2). 18 U.S.C. § 3006A(a)(1)(E) provides that a defendant who is financially unable to obtain adequate representation shall be provided representation if he faces modification of a term of supervised release.

Having reviewed the defendant's financial affidavit (ECF No. 30), and good cause appearing, the court GRANTS the defendant's request (ECF No. 28). Ms. Lal is appointed as the defendant's counsel, consistent with the foregoing.

Regarding the defendant's request to file his financial affidavit under seal, the court finds that compelling reasons exist to GRANT the defendant's request (ECF No. 29). The need to keep the financial affidavit sealed outweighs the public's interest in disclosure and access to court records. *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006)

1 (explaining that courts must balance the competing interests “of the public and the party who seeks
2 to keep certain judicial records secret”).

3 The defendant is given leave to file his financial affidavit under seal, and the clerk is
4 instructed to maintain it (ECF No. 30) under seal.

5 IT IS SO ORDERED.

6 DATED January 16, 2024.

7 
8 UNITED STATES DISTRICT JUDGE